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REMARKS

Status Summary

Claims 1-23 are pending in the present application. No claims have been added and no claims have been canceled. Therefore, upon entry of this Amendment, claims 1-23 will remain pending. No new matter has been introduced by the present amendment. Reconsideration of the application as amended and based on the arguments presented below is respectfully requested.

Claim Rejection - 35 U.S.C. § 103

Claims 1-2, 5-9, 15-17, and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0058061 to Shaffer et al., hereinafter referred to as "Shaffer," in view of U.S. Patent No. 4,993,014 to Gordon, hereinafter referred to as "Gordon." The rejection is respectfully traversed.

The present subject matter as claimed in independent claim 1 recites an active telephony call processing host located in a first geographic region for controlling calls between telephony subscribers. Claim 1 also recites a standby telephony processing host located in a second geographic region for taking over the call control functions handled by the active telephony call processing host in the event the active telephony call processing host fails. In addition, at least one LAN, which is geographically distributed between the first and second geographic regions, is adapted to carry signaling messages to and from the active and standby telephony call processing hosts. Similarly, independent claim 15 recites "N" dual host telephony call processing nodes

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wherein each dual host telephony call processing node includes a first and second telephony call processing half node. Each half-node includes a single host and is located in a separate geographic location (in relation to the other associated half-node). Claim 15 also recites a third telephony call processing half-node that is capable of taking over the operations of any telephony call processing half-node in the event of a failure. Shaffer fails to teach call processing hosts located in separate geographic locations as set forth by claims 1 and 15.

Shaffer instead teaches a pair of H.323 client terminals, each of which contains a pair of control units or state machines (i.e., a primary and secondary control unit in each client terminal). The primary control units in the respective client terminals (e.g., control units 110a and 110c in Figure 1 of Shaffer) communicate with each other in order to establish a primary signaling connection while the secondary control units (e.g., control units 110b and 110d in Figure 1 of Shaffer) establish a redundant signaling connection. If the signaling connection established between the primary control units via a primary gatekeeper fails, one of the secondary control units takes over the signaling communication using a backup gatekeeper (see Shaffer, Abstract and paragraph [0022]). Notably, the redundancy measures taught in Shaffer are initiated and performed by the client terminals, such as H.323 client terminal 102 (see Shaffer, Figure 1). On page 1, paragraph [0004], Shaffer defines both clients and terminals as being synonymous with endpoints. A client, terminal, or endpoint typically includes a telephone or computer that is utilized by a user to communicate over the network. More importantly, an endpoint or terminal is not the same as the telephony call processing

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hosts set forth in independent claims 1 and 15. On page 1 lines 20-21, Applicants define call processing hosts as media gateway controllers. Applicants submit that a media gateway controller, which is responsible for routing call signaling messages or converting multimedia input, is not tantamount to the terminal endpoints taught by Shaffer. Namely, terminal endpoints do not route or control calls between telephony subscribers or perform any function typically handled by a media gateway controller. Terminal endpoints are primarily used for initiating and receiving calls, not routing them.

Shaffer also teaches that "the secondary control unit (110b) establishes a direct signaling connection to the second client terminal as a backup" (see Shaffer, Abstract). The Examiner's attention is directed to the fact that the redundancy measure taught by Shaffer pertains to the establishment of an extra connection that only exists between two client terminals (e.g., two phones). In contrast, claim 1 sets forth a standby telephony call processing host that takes over call control functions (e.g., routing functions) from an active telephony call processing host that has failed. Notably, the standby telephony call processing host is a redundant call processing host takes over call control functions for a plurality of call connections at a network level, not just a single connection existing between two terminal endpoints.

Claim 1 and claim 15 each recite that the call processing hosts are geographically distributed. Because Shaffer does not teach this aspect set forth by claims 1 and 15, the Examiner submits that Gordon provides for a geographically distributed network control nodes in column 10, lines 49-52. Applicants submit Gordon is directed to a dynamically shared facility network that provides private network service

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to a plurality of customer using switched facilities of a common carrier network. A plurality of service offices are connected via access links to customer telecommunications equipment. Specifically, the Examiner's cited section states, "...FIG. 17 shows a redundant and geographically diverse network wherein traffic over a facility containing any cable break can be routed over another facility." Applicants submit that the section cited by the Examiner only relates to the geographic diversity of facilities. Because the facilities described in Gordon are completely different from the endpoint terminals taught in Shaffer, Applicants submit that the two references teach away from each other and cannot be properly combined. Even if Shaffer and Gordon could be properly combined, there is no feasible way to separate the secondary control unit from the primary control unit taught in Shaffer since the client terminal benefits from the localized placement of both control units (i.e., to utilize a second connection of a given call). Specifically, there is no practical reason to position the second primary control unit outside of the client terminal taught by Shaffer since the client terminal would not be able to utilize a redundant control unit if it is located at a separate geographical location.

In light of these arguments, Applicants submit that independent claims 1 and 15 are not obvious over the combination of Shaffer and Gordon and are therefore patentable under 35 U.S.C. §103.

Dependent claims 2, 5-9, 16-17, and 20-21 depend from claims 1 and 15 and recite additional features thereof. As such and for the exact same reasons set forth above, Applicants submit that claims 2, 5-9, 16-17, and 20-21 are not obvious over

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Shaffer and Gordon. Therefore, the Applicants submit that these dependent claims fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Claims 3-4 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Gordon in further view of U.S. Patent Publication No. 2002/0160810 to Glitho et al., hereinafter referred to as "Glitho." The rejection is respectfully traversed.

Claims 3-4 depend from claim 1 and claims 18-19 depend from claim 15. As stated above with regard to the rejection of claims 1 and 15 as unpatentable over Shaffer in view of Gordon, the combination of Shaffer and Gordon fails to teach or suggest the geographically distributed call processing hosts set forth by claims 1 and 15. Glitho likewise lacks such teaching or suggestion. Glitho is instead directed to an intelligent network service control point and method of implementing user services utilizing call processing language scripts. Thus, Glitho fails to bridge the substantial gap existing between the claimed subject matter and the combination of Shaffer and Gordon. Accordingly, it is respectfully submitted that the rejection of claims 3-4 and 18-19 as being unpatentable over the combination Shaffer in view of Gordon in further view of Glitho should be withdrawn.

Claims 10-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Gordon in further view of U.S. Patent No. 6,976,087 to Westfall et al., hereinafter referred to as "Westfall." The rejection is respectfully traversed.

Claims 10-14 depend from claim 1. As stated above with regard to the rejection of claim 1 being made unpatentable over Shaffer in view of Gordon, the combination of

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Shaffer and Gordon fails to teach or suggest the geographically distributed call processing hosts as set forth in claim 1. Westfall likewise lacks such teaching or suggestion. Westfall is instead directed to a method and apparatus for configuring packet data networks to supply services to users. One embodiment automatically deploys services onto a network of routers in order to satisfy the requirements of offered service. Thus, Westfall fails to bridge the substantial gap existing between the claimed subject matter and the combination of Shaffer and Gordon. Accordingly, it is respectfully submitted that the rejection of claims 10-14 as being unpatentable over the combination Shaffer in view of Gordon in further view of Westfall should be withdrawn.

Claims 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Gordon in further view of Westfall in further view of U.S. Patent Publication No. 2002/0165972 to Chien et al., hereinafter referred to as "Chien." The rejection is respectfully traversed.

Claims 22 and 23 include similar patentable aspects as set forth in claim 1 that are not taught by Shaffer, Gordon, Westfall and Chien. Claim 22 recites a method for routing packets between geographically separate redundant telephony call processing hosts. Similarly, claim 23 recites a method for allocating network addresses and subnet masks to a pair of geographically separate telephony call processing hosts. As stated above with regard to the rejection of claim 1 being made unpatentable by Shaffer in view of Gordon in further view of Westfall, Applicants submit that the combination of Shaffer, Gordon, and Westfall fails to teach or suggest geographically distributed call processing hosts. Chien likewise lacks such teaching or suggestion. Chien is instead

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directed to a method and apparatus for reducing traffic over a communication link used by a computer network. Thus, Chien fails to bridge the substantial gap existing between the claimed subject matter and the combination of Shaffer, Gordon, and Westfall. Accordingly, it is respectfully submitted that the rejection of claims 22 and 23 as unpatentable over the combination Shaffer in view of Gordon in further view of Westfall in further view of Chien should be withdrawn.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

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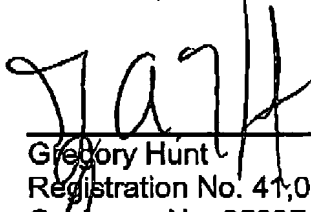
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

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